S.B. Civil Misc. Appeal No.95/2005

Municipal Board, Dungarpur and another.
vs.
Smt. Nikhil Chobisa and others.

Date : 20.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Bheem Arora, for the appellants.
Mr. PS Chundawat, for the respondents.

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At the request of learned counsel for the parties, this appeal is heard finally and decided.

Learned counsel for the appellants submitted that the appellants are not raising construction so as to utilise the land in dispute for any commercial purposes or raising any building over it. They are constructing the wall only to give support to the Pond. They will not use or permit anybody to use the disputed land for any building construction purposes and it will be exclusively to support the Pond only and wall adjoining to the wall raised by the appellants.

Learned counsel for the respondents submits that the respondents' total endeavor is that the appellants should not encroach upon the land of the Pond as well should not reduce the area of the Pond.

Since some wall has already been constructed near the existing wall and to give support to the existing wall, it is necessary that the space between the two walls be filled up so as to give support to the existing wall.

In view of the above, this appeal is disposed of with a direction to the appellants not to raise any construction so as to utilise the land in dispute for any commercial purposes or raising any building over it and they will not use or permit anybody to use the disputed land for any building construction purposes and it will be exclusively to support the Pond only and wall adjoining to the wall raised by the appellants.

The appellants will be free to complete the space in between the two walls so as to support the wall and do all necessary work so as to support the wall.

(PRAKASH TATIA), J.

S.Phophaliya